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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CHUONG, TRUC T	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,336	SAREL, ODED	
	Examiner	Art Unit	
	Truc T Chuong	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarr et al. (U.S. Patent No. 6,222,544 B1).

As to claim l, Tarr teaches a parameter evaluation system comprising:

a boundary input device for setting boundaries in a variation range of one or more parameters, thereby to define regions within said variation range (parameters to setup position and field shapes, col. 2 lines 38-53, col. 5 lines 5-22),

a label input device for associating labels with said regions (col. 5 lines 5-49),

a rule input device for setting rules to associate at least one of a plurality of output recommendations with each of said regions and with combinations thereof (determine the best way to achieve this treatment fitting, col. 3 lines 36-65, and fig. 5), and

an output device to present a user with an output recommendation associated with a region or combination thereof corresponding to at least one measured parameter input to said system (col. 4 lines 44-63, and figs. 5, 6A-B, and 7).

As to claim 2, Tarr teaches the system of claim 1, wherein said boundary input device comprises a bar having a length representative of a variation range of a respective parameter (the field, col. 4 lines 1-35).

As to claim 3, Tarr teaches the system of claim 2, wherein said boundary input device further comprises slidable boundary points for sliding along said length and wherein said regions are defined between said slidable boundary points (movement of a machine along and around the patient, col. 4 lines 1-65, and figs. 2-3).

As to claim 4, Tarr teaches the system of claim 3 wherein said label input device is operable to associate one of a plurality of labeling colors with at least one of said regions (the current treatment field in different colors, col. 5 lines 5-22).

As to claim 5, Tarr teaches the system of claim 3 wherein said label input device is operable to associate a labeling color with a combination of said regions (a different color representative of delivered radiation, col. 5 lines 5-22, and col. 10 lines 36-63).

As to claim 6, Tarr teaches the system of claim tin which said label input device is operable to label at least one of said regions with one of a group of categories (col. 5 lines 5-35).

As to claim 7, Tarr teaches the system of claim 6 in which at least one of said categories is associated with a procedure for making automatic contact with a remote site (automatic setup unit, col. 5 lines 5-30).

As to claim 9, Tarr teaches the system of claim 1, further comprising an interface for connecting a measuring device thereto (GUI 1000, col. 7 lines 1-19, and figs. 5-6A).

As to claim 10, Tarr teaches the system of claim 9 further comprising a measuring device attached to said interface for providing to said system a measured parameter (col. 2 lines 38-53, col. 5 lines 5-22).

As to claim 11, Tarr teaches the system of claim 1, wherein said parameter is a body medical parameter (Areas of the body, col. 4 lines 22-40).

As to claim 12, the system of claim 1, further comprising a list of at least one symptom, selectable by a user and classifiable by said user according to degree of severity, and wherein said rule input device is usable to set rules which incorporate said rule input device with said parameters to produce said output (patient treatment setup information targeting at various gantry angles for different treatments, col. 5 lines 5-22).

As to claim 13, Tarr teaches the system oh claim 1 wherein at least one parameter is signable to influence an output (changing size, col. 5 lines 50-67).

As to claim 15, Tarr teaches the system of claim 1, comprising a further output device, operable to output measurement data to show at least one of alarms, trends and data patterns (various data can be displayed before and during the treatment, col. 4 lines 44-63).

As to claim 16, Tarr teaches the system of claim 1, further comprising a unified messaging hierarchy for communicating using a hierarchy of messaging modes (a treatment delivery chart 1008 in hierarchical format is shown, col. 7 lines 20-30).

As to claim 17, Tarr teaches the system of claim 1, wherein said boundary input device comprises:

a visual representation of said variation range as a linear continuum, a continuum divider for visually dividing said continuum at user selectable points therealong, said points

corresponding to values of said parameter, thereby to define regions therebetween (linear accelerator setup window 1010 may be activated, col. 6 line 64-col. 7 line 40),

a category definer for defining categories for association with said regions, and a category scorer for assigning a scoring value to each of said regions in accordance with a respective associated category, said scoring to comprise input to a predefined logical rule to arrive at a medical analysis that takes account of said parameter (col. 7 lines 20-65).

As to claim 19, Tarr teaches the system of claim 17, wherein said user selectable points are for changing dynamically with change in a patient's medical condition (linear accelerator setup window 1010 may be activated, col. 6 line 64-col. 7 line 40).

As to claim 20, Tarr teaches the system of claim 17, wherein said logical rule is a combining rule taking input from at least one other parameter (col. 8 line 62-col. 9 line 17).

As to claim 21, this is a method claim of system claim 1. Note the rejection of claim 1 above.

As to claim 22, Tarr teaches a method according to claim 21, wherein at least one of said parameters is a body measurement land said output is a medical instruction (The central processing unit 18 is programmed by the therapist according to the instructions of the oncologist and performs optimization so that the radiation treatment device carries out the prescribed radiation treatment, col. 6 lines 23-43).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tarr et al. (U.S. Patent No. 6,222,544 B1) in view of Whitworth (Pub. No. US 20010034717 A1).

As to claim 8, Tarr does not teach the procedure utilizes any one of a group comprising internet messaging, telephone messaging, paging and fax messaging to reach said remote site. Whitworth clearly discloses a system capable of using information arriving via cable, phone, internet, email, paging, wireless, infrared, and even traditional paper mail ([0187] of page 11). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to communicate with others by using phones, internet, email, paging, and wireless of Whitworth in the Radiation Therapy Treatment System of Tarr to provide convenience for the users in sharing information.

As to claim 14, Tarr does not teach the measurement is inputtable to said system over a telephone via sound recognition apparatus able to interrogate a user and understand sound responses. Whitworth disclosed voice recognition software to translate necessary data ([0099] of page 5). It would have been obvious at the time of the invention, a person with ordinary skill in the art would want to be able to use Voice Recognition of Whitworth in the Radiation Therapy Treatment System of Tarr to help patients with disability.

As to claim 18, Tarr does not show that user selectable points are for selecting according to a patient medical history. Whitworth clearly discloses medical history of a patient ([0184] of page 11). It would have been obvious at the time of the invention, a person with ordinary skill in

the art would want to be able to view the patient's medical history of Whitworth in the Radiation Therapy Treatment System of Tarr to help doctors comparing information during treatment.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wallace et al. (U.S. Patent No. 6,369,838 B1) teach GUI, medical equipment, parameters, and setting and controlling (cols. 3-20 and figs. 1, 3, 5, 11-12, and 15).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

06/25/04

Kristine Kincaid